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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/023,230 | 12/17/2001 | Kenji Shimano | 81087-276982 | 3763 |

7590 11/18/2003

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| EXAMINER |
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LEA EDMONDS, LISA S

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| ART UNIT | PAPER NUMBER |
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2835

DATE MAILED: 11/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,230

Applicant(s)

SHIMANO ET AL.

Examiner

Lisa Lea-Edmonds

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12-20 is/are rejected.
- 7) ☒ Claim(s) 9-11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 12/17/01. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 12/17/01 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because either the document numbers and or the names are incorrect (see for example entries 6, 8 and 9 on page 2 of 3). The information referred to has not been considered as to the merits. However, the other information not referred to has been fully considered by the examiner of record. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C (1).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the seam must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "60" has been used to designate both a cover unit middle surface and a latching assembly. A proposed drawing correction or corrected drawings are required in reply to

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the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

4. The use of the trademark VELCRO has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 recites the limitation "said display device" in line 3 and "said primary input device" in line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-3, 7, 12-15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Shima et al. (5489924). With respect to claims 1-3, 7, 12-14, and 18, Shima et

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al. teaches a portable computer configurable in a tablet configuration, a laptop configuration, and a closed configuration, said portable computer comprising: a display unit (6) having said display device and a back surface; a base unit (2) having said primary input device and a bottom surface, and a cover unit (10) having a top section affixed to said back surface of said display unit (6), a middle section and a bottom section, said bottom section having a front portion affixed to said bottom surface of said base unit (2), wherein said middle section of said cover unit (10) is in contact with said back surface of said display unit when said portable computer is in the closed configuration, said middle section and said bottom section form a support for said display unit (6) when said portable computer is in said laptop configuration, and said middle section is in contact with said bottom section and said back surface of said display unit (6) when said portable computer is in said tablet configuration, wherein said back surface of said display unit (6) is positioned above said primary input device (8) of said base unit (2) when said portable computer is in said tablet mode, wherein said primary input device (8) and said display device are between said back surface of said display unit (6) and said bottom surface of said base unit (2) when said portable computer is in said closed configuration, wherein the thickness of said middle section and said top section is substantially equal to the thickness of said base unit (2), wherein said base unit (2) and said cover unit (10) are integrated, wherein said cover unit (10) is removably attached to said back surface of said display unit (6), wherein said cover unit (10) is removably attached to said bottom surface of said display unit (6) as claimed. With respect to the method claims 15 and 20, Shima et al. teaches the method steps as claimed (see for example figures 1-14).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 4-6, 8, 16, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shima et al. (5489924) as applied to the claims above, and further in view of Loew (5128829). With respect to claims 4-6, 8, 16, 17, and 19, Shima et al. teaches the invention as set forth in claims 1 and 15 above. However, Shima et al. lacks a teaching of the cover unit being made of a flexible material and having seams and the portable computer having a latching assembly as claimed. Loew is relied upon for its teaching of a portable computer having a latching assembly (see for example column 5 line 43 through column 6 line 40), and a cover unit (14) being made of a flexible material (see for example column 5 lines 15-18) and having seams (see for example figures 1-12). It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Loew into the apparatus of Shima et al. to facilitate opening and closure of the portable computer unit, its support in a plurality of display positions and portability of the unit.

Allowable Subject Matter

11. The following is a statement of reasons for the indication of allowable subject matter: as to claims 9-11, patentability resides, at least in part, in the latching assembly further including a latching arm having a first projection and/or a second projection and a latch body having a first cavity and/or second cavity, in combination with other limitations of the base claim(s).

Conclusion

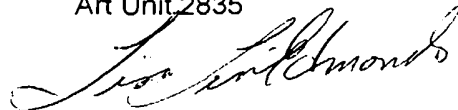
12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please note the portable computers of Tsubosaka (5682182), Myles et al. (5887723), Hildebrandt (6464195), and Emma et al. (6262885).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Lea-Edmonds whose telephone number is 703-305-0265. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren Schuberg can be reached on 703-308-4815. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1782.

Lisa Lea-Edmonds
Primary Examiner
Art Unit 2835

A handwritten signature in cursive script, appearing to read "Lisa Lea-Edmonds", written in black ink.